

**REMARKS**

Applicant has carefully reviewed the office action mailed March 8, 2006 and offers the following remarks to accompany the above amendments.

Claims 2-8, 10, 12, 13, and 18-29 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the acknowledgment of allowable subject matter, but believes in light of the following remarks that all pending claims 1-29 are allowable.

Claims 9, 14, 17, and 21 have been amended to correct antecedent basis or otherwise clarify the claims. These amendments were not made in order to overcome any prior art. No new matter has been added as the result of these amendments and no new search is required.

Claims 9, 11, and 14-29 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Patent Office questioned the following:

whether the "plurality of mobile terminals" in claim 11, line 4 was the same as in line 2;  
the meaning of "the corresponding first or second values" in claim 14, lines 9-10;  
whether the "first mobile terminal" in claim 17, line 11 was the same as in line 9;  
the phrase "adapted to" in claim 17, lines 2 and 5;  
whether "the mobile terminal" in claim 21, line 13 is the first or second mobile terminal;  
and

whether the "plurality of mobile terminals" in claim 27, line 4 were the same as in line 2. In addition, the Patent Office states that there is insufficient antecedent basis for the limitation of "the predefined threshold" in claim 9, line 3.

Claim 9 has been amended to correct antecedent basis. Applicant requests that in light of the amended claim 9 that the rejection is traversed and should be withdrawn.

With respect to claims 11 and 27, Applicant respectfully submits there is nothing indefinite about the claim language. The claim language speaks for itself. The claim recites "wherein the first value is applied to active-to-standby transition timers for a plurality of mobile terminals and the second value is applied to active-to-standby transition timers for a plurality of mobile terminals." All that is required is that the first value is applied to active-to-standby transition timers for more than one mobile terminal and a second value is applied to active-to-

standby transition timers for more than one mobile terminal. The plurality of mobile terminals may or may not be the same.

Claim 14 has been amended for clarification purposes. In light of the amendment, Applicant respectfully submits that the objection to claim 14 has been traversed and should therefore be withdrawn.

Claim 17 has been amended to correct antecedent basis. In light of the amendment, Applicant respectfully submits that the objection to claim 17 has been traversed and should therefore be withdrawn.

Claim 21 has been amended to clarify which mobile terminal is being discussed in line 13 of claim 21. In light of the amendment, Applicant respectfully submits that the objection to claim 21 has been traversed and should therefore be withdrawn.

With respect to the objection to the "adapted to" language in claim 17, Applicant respectfully traverses. There is nothing objectionable about functional language like "adapted to" in and of itself. *In re Swinehart*, 439 F.2d 210 (CCPA 1971); MPEP § 2173.05(g). In fact, the Federal Circuit has held that "adapted to" language is a positive limitation and must be considered when weighing patentability. *Pac-Tec, Inc. v. Amerace Corp.*, 903 F.2d 796, 801 (Fed. Cir. 1990) (citing *In re Venezia*, 530 F.2d 956 (CCPA 1976)); see also MPEP § 2173.05(g). As the objected to claim language is allowed by the applicable Federal Circuit case law, the objection should be withdrawn.

Claims 1 and 17 were rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Mizutani et al. (hereinafter "Mizutani"). Applicant respectfully traverses. For a reference to be anticipatory, the reference must disclose each and every claim element. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. The requirement that each and every element be disclosed in the manner claimed is a rigorous standard that the Patent Office has not met in this case.

Claim 1 recites "monitoring at least one Quality of Service (QoS) parameter bearing on QoS." The Patent Office opines that this step is taught by the QoS key disclosed in paragraph 0047 of Mizutani. The QoS key of Mizutani is a physical key that can be pressed by a user to request communication quality assurance (Mizutani, paragraph 0038). Applicant respectfully submits that a user pressing a physical QoS key is not the same as the claimed monitoring of a QoS parameter bearing on QoS. Moreover, claim 1 recites "instructing the first mobile terminal

to transition from an active mode to a standby mode if another communication session is not necessary prior to expiration of the active-to-standby transition timer for the first mobile terminal, the first value for the active-to-standby transition timer for the first mobile terminal being variable based on the at least one QoS parameter" (emphasis added). Mizutani does not teach this limitation, especially the first value being variable based on the at least one QoS parameter. In Mizutani, a mobile station has a number of keys, including a QoS key to request communication quality assistance. When the QoS key is turned on, the mobile station transmits a PPP keep alive packet at regular intervals in order to prevent the BSC 105 from releasing the radio channel from the mobile station. The mobile station sets the PPP keep alive timer 902 to a value smaller than the value set on the wireless channel state timer 901A (Mizutani, paragraph 0046, emphasis added). Because the PPP keep alive timer 902 is set to a value smaller than the wireless channel state timer 901A, the PPP keep alive timer 902 times out before the timeout of the state transition timer 901B which would cause release of the radio channel from the mobile station and the change of the state of the mobile station from active to dormant (Mizutani, paragraph 0047). Notably, all of the values of the timers in Mizutani are not variable, and are certainly not variable based on the at least one QoS parameter. The keep alive packet sent when the QoS key is on is sent at regular intervals, and the mobile station sets the keep alive timer 902 to a set value smaller than the value set on the wireless channel state timer so that the radio channel will not be released from the mobile station. Therefore, these values are a set constant and are not variable. As such, Mizutani does not teach "instructing the first mobile terminal to transition from an active mode to a standby mode if another communication session is not necessary prior to expiration of the active-to-standby transition timer for the first mobile terminal, the first value for the active-to-standby transition timer for the first mobile terminal being variable based on the at least one QoS parameter." Therefore, Mizutani does not teach each and every limitation of the claim, and therefore does not anticipate claim 1.

Claim 17 contains similar limitations as those in claim 1, and is patentable for at least the same reasons as claim 1.

Mizutani does not teach each and every element of claims 1 and 17. The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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